

AN ACT concerning freedom of information.

Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:

Section 5. The Freedom of Information Act is amended by  
changing Section 11 as follows:

(5 ILCS 140/11) (from Ch. 116, par. 211)

Sec. 11. (a) Any person denied access to inspect or  
copy any public record by the head of a public body may file  
suit for injunctive or declaratory relief.

(b) Where the denial is from the head of a public body  
of the State, suit may be filed in the circuit court for the  
county where the public body has its principal office or  
where the person denied access resides.

(c) Where the denial is from the head of a municipality  
or other public body, except as provided in subsection (b) of  
this Section, suit may be filed in the circuit court for the  
county where the public body is located.

(d) The circuit court shall have the jurisdiction to  
enjoin the public body from withholding public records and to  
order the production of any public records improperly  
withheld from the person seeking access. If the public body  
can show that exceptional circumstances exist, and that the  
body is exercising due diligence in responding to the  
request, the court may retain jurisdiction and allow the  
agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in  
camera inspection, the court shall order the public body to  
provide an index of the records to which access has been  
denied. The index shall include the following:

(i) A description of the nature or contents of each  
document withheld, or each deletion from a released document,

provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record substantially prevails in a proceeding under this Section, the court may award such person reasonable attorneys' fees and costs. If, however, the court finds that the fundamental purpose of the request was to further the commercial interests of the requestor, the court may award reasonable attorneys' fees and costs if the court finds that the record or records in question were of clearly significant interest to the general public and that the public body lacked any reasonable basis in law for withholding the record.

Public Act 093-0466  
SB690 Enrolled

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(Source: P.A. 85-1357.)